FAX TRANSMITTAL TO THE UNITED STATES PATENT OFFICE

OFFICIAL

#14/1A

Applicants Docket Number:
ST98009A-US

Applicants:
Byk et. al.

FAX RECEIVED
OCT 18 2002
GROUP 1600

Serial No.
09/647,678

Filing Date:
October 2, 2000

Title of Invention:
NEW AGENTS FOR TRANSFERRING NUCLEIC ACIDS, COMPOSITIONS CONTAINING THEM AND THEIR USES

CERTIFICATE OF TRANSMISSION
I hereby certify that this correspondence is being transmitted via facsimile to Examiner R. Schnizer at the United States Patent and Trademark Office, Washington, D.C. 20231, at (703)-305-3014, on

Date of Deposit October 17, 2002
Printed Name of Person Signing Certificate Janet Shepherd
Signature Janet Shepherd

Total Number of Pages Sent: 9

Attorney: **William Coppola**

Group Art Unit:
Examiner: **R. Schnizer**

TO: Examiner Richard Schnizer
United States Patent and Trademark Office
Washington, D.C. 20231

Please acknowledge receipt of the below-listed documents for the above Application by returning this sheet, signed and dated, by return telefax to (908) 231-2626. If any fees are required, please charge our deposit account **(18-1982)** in the name of **Aventis Pharmaceuticals Inc.**

- ☐ Amendment, 37 CFR
- ☐ Charge deposit account, in duplicate
- ☐ Extension of Time Petition
- ☐ Issue Fee Transmittal & Advance Order
- ☐ Maintenance Fee Transmittal
- ☐ Fee Transmittal
- ☐ Petition under 37 CFR
- ☐ Other
- ☒ Other **Response to September 26, 2002 Notice to Comply with Sequence Requirements** which includes a copy of a preliminary amendment filed on August 14, 2001 and copy of its return postcard.

Receipt Confirmed:

PATENT
ST98009A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):	BYK ET AL.	EXAMINER :	SCHNIZER
SERIAL NO. :	09/647,678	ART UNIT :	
FILED :	OCTOBER 2, 2000		
FOR :	NEW AGENTS FOR TRANSFERRING NUCLEIC ACIDS, COMPOSITIONS CONTAINING THEM AND THEIR USES		

CERTIFICATE OF TRANSMISSION
I hereby certify that this correspondence is being transmitted via facsimile To Examiner Richard Schnizer at the United States Patent and Trademark Office, at (703)-305-3014 on October 17, 2002

Janet Shepherd 10/17/02
(Signature and Date)

RESPONSE TO COMMUNICATION

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Dear Sir:

In response to a Communication issued on September 26, 2002, and in light of a telephone conversation between attorney William Coppola and Examiner R. Schnizer on October 11, 2002, Applicants submit a copy of a preliminary amendment along with proof of its filing in the form a returned postcard to the Examiner for review. It is Applicants' opinion that this amendment addresses the issues raised in the Examiner's communication.

Fees

No fees are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

Respectfully submitted,

Karen Krupen

Karen Krupen
Attorney for Applicant(s)
Registration No. 34,647

AVENTIS PHARMACEUTICALS INC.
Route 202-206; Mail Stop: BWD303
P.O. Box 6800
Bridgewater, NJ 08807

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☒ **7. Other: Amino acid sequences on page 30, line 11 of the specification, and in claim 18 must b given SEQ ID NOS in the text of the application. Correction is required. Because these sequences are disclosed in the current Sequence Listing, no new Sequence Listing or CRF is required Applicant Must Provide:**

☐ A substitute computer readable form (CRF) copy of the "Sequence Listing".

☐ A substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
PatentIn Software Program Support
Technical Assistance.....703-287-0200
To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/647678		BYK G	ST98009

INTERNATIONAL APPLICATION NO.
PCT/FR99/00740

I.A. FILING DATE	PRIORITY DATE
30 MAR 99	02 APR 98

AVENTIS PHARMACEUTICALS PRODUCTS INC
ROUTE 202-206; MAIL STOP: EMC-G1
P. O. BOX 6800
BRIDGEWATER NJ 08807

COMPUTER ENTERED
7/24/01

DATE MAILED: 19 JUL 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application.
- ☒ Oath or Declaration of inventors(s).
- ☐ Copy of Article 19 amendments.
- ☒ Priority Document.
- ☐ Indication of Small Entity Status.
- ☒ Translation of the international application into English.
- ☐ Translation of Article 19 amendments into English.
- ☐ Other:
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee.
- ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of $_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes MUST be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☒ PCT/DO/EO/920

Winston M Alvarado
Telephone: 703-305-6421

FORM PCT/DO/EO/905 (March 2001)

APPLICANT'S: ByK et al.	SERIAL NO. 09/1047,678	DATE 08/14/01
DOCKET NO. ST98009 A US	ATTY WCC	
APPLICANT(S) Aventis Pharmaceuticals Products Inc.		
TITLE OF INVENTION: NEW AGENTS FOR TRANSFERRING NUCLEIC ACIDS, COMPOSITIONS CONTAINING THEM AND THEIR USES		

The Patent Office acknowledges and has stamped hereon the date of receipt of the items checked below:

- ☐ Affidavit/Declaration, 37 CFR
- ☐ Amendment Preliminary
- ☐ Appeal notice/Appeal Brief
- ☐ Assignment & Cover Sheet
- ☐ Cert. of correction request
- ☒ Cert. of Mailing. Date:
  No.
- ☐ Charge deposit account, in duplicate
- ☐ Check $ for
- ☐ Demand for PCT examination
- ☐ Extension of time petition
- ☐ IDS (information disclosure statement)
  PTO Form 1449: # of pages enc.
  # of reference enc.
- ☐ Issue fee transmittal & advance order
- ☐ Maintenance fee transmittal
- ☐ Patent Application
  — # of pages — # of pages of claims
  — # of sheets of drawings
  — Declaration/Oath: — signed — unsigned
  — Transmittal letter
- ☐ PCT Application, transmittal, request & fee sheet
- ☐ Petition under 37 CFR
- ☐ Power of attorney
- ☐ Priority claim
- ☐ Reply, 37 CFR
- ☒ Other Paper sequence listing, Statement Regarding content of Computer readable sequence listing

OIPE JC11 AUG 16 2001 PATENT & TRADEMARK OFFICE

Patent Dept.

PTO Date Stamp

JC20 Rec'd PCT/PTO 16 AUG 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Reply To Missing Reqmts – 9/19/01

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/647678	Deadline to Reply to Missing Reqmts – 2/19/02 BYK	ST98009

ACTION DUE
DUE DATE
DKTD BY
ATTY

INTERNATIONAL APPLICATION NO.	
PCT/FR99/00740	

AVENTIS PHARMACEUTICALS PRODUCTS INC
ROUTE 202-206; MAIL STOP: EMC-G1
P.O. BOX 6800
BRIDGEWATER NJ 08807

see above
Jas 7/24/01
KIK

I.A. FILING DATE	PRIORITY DATE
30 MAR 99	02 APR 98

DATE MAILED: 19 JUL 2001

NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- [x] The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- [x] This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- [x] A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- [ ] A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- [ ] The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- [ ] The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- [ ] Other: _____

APPLICANT MUST PROVIDE:

- [x] An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- [x] An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- [x] A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CALL:

(703) 308-4216, for Rules interpretation,
(703) 308-4212, for CRF submission help,
(703) 287-0200, for PatentIn software help.

Winston M Alvarado
Telephone: 703-305-6421

FORM PCT/DO/EO/920 (March 2001)